

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY EDWARDS,

Plaintiff,

vs.

Case No: 09-

METROPOLITAN LIFE
INSURANCE COMPANY,

Defendant.

GREG M. LIEPSHUTZ (P37573)
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PLAINTIFF'S COMPLAINT

NOW COMES Plaintiff, GREGORY EDWARDS, by and through his attorneys, GREG M. LIEPSHUTZ and LEVINE BENJAMIN, and for his Complaint against Defendant, METROPOLITAN LIFE INSURANCE COMPANY, states the following:

1. Plaintiff, GREGORY EDWARDS, is a resident of the City of Beverly Hills, County of Oakland and State of Michigan.
2. At all times relevant hereto, Defendant, METROPOLITAN LIFE INSURANCE COMPANY, is a foreign corporation in good standing and continuously conducting business throughout the State of Michigan.

3. At all relevant times, Defendant, METROPOLITAN LIFE INSURANCE COMPANY, provided long-term disability coverage pursuant to the terms of a group employee benefits plan provided for the benefit of Plaintiff, GREGORY EDWARDS, and other employees.

4. The long-term disability insurance plan issued by Defendant is a group employee benefit plan covered by and within the meaning of the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1001 et seq.

5. The terms of said contract of insurance obligated Defendant, METROPOLITAN LIFE INSURANCE COMPANY, to provide Plaintiff, GREGORY EDWARDS, with long-term disability benefits, in the event that Plaintiff was rendered unable to work due to injury, disease or other medical condition.

6. That Plaintiff, GREGORY EDWARDS, suffers from Lumbar Radiculopathy and Chronic Low Back Pain, which precludes plaintiff from gainful employment.

7. Defendant, METROPOLITAN LIFE INSURANCE COMPANY, has wrongfully denied Plaintiff disability benefits.

8. That Defendant, METROPOLITAN LIFE INSURANCE COMPANY'S, denial of benefits was arbitrary and capricious and was contrary to medical and other evidence that overwhelmingly supports Plaintiff's claim of total and permanent disability.

9. That Plaintiff, GREGORY EDWARDS, has exhausted all appeals and/or reconsideration processes provided by Defendant; nevertheless, Defendant, METROPOLITAN LIFE INSURANCE COMPANY, has refused to resume payment of benefits rightfully due and owing to Plaintiff.

10. That the Plaintiff, GREGORY EDWARDS, is a person empowered to bring a civil action under 29 U.S.C. § 1132(a)(1)(B) to force the Defendant to comply with the Act and resume payment of long-term disability benefits and term life insurance premiums to Plaintiff.

11. 29 U.S.C. § 1132(a)(1)(B) reads as follows:

(a) Persons Empowered To Bring A Civil Action

A civil action may be brought –

(1) by a participant or beneficiary –

(B) to recover benefits due to him under the terms of the plan, to enforce his rights under the terms of the plan, or to clarify his rights to future benefits under the terms of the plan[.]

12. That as a result of the Defendant, METROPOLITAN LIFE INSURANCE COMPANY'S, wrongful termination of disability benefits, Plaintiff, GREGORY EDWARDS, has sustained the following damages, including, but not limited to: Loss of past, present and future income in the form of wage loss compensation benefits.

WHEREFORE, the Plaintiff, GREGORY EDWARDS, prays for Judgment in his favor and against the Defendant, METROPOLITAN LIFE INSURANCE COMPANY, in whatever amount he is found to be entitled, in addition to costs, interest and attorney fees.

Respectfully Submitted,

LEVINE BENJAMIN

/s/ GREG M. LIEPSHUTZ (P37573)
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Dated: September 29, 2009